

Remarks

This Amendment is being filed concurrently with a Request for Continued Examination ("RCE"). Reconsideration and allowance of this application, as amended, are respectfully requested.

Claims 14, 15, 18, and 28 have been amended. Claims 14-31 remain pending in the application. Claim 14 is independent. The rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein. No new matter has been introduced through the foregoing amendments.

Claims 14 and 15 have been amended to overcome the rejection under 35 U.S.C. § 112, second paragraph. Claims 14 and 15 have also been amended to even more specifically define the claimed device. Claims 18 and 28 have been amended for consistency with instant claim 14. Entry of each of the amendments is respectfully requested.

35 U.S.C. § 102(b) – Konopka

Claims 14-28, 30, and 31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,755,173 to Konopka et al. (hereinafter "Konopka").

The rejection of claims 14-28, 30, and 31 under § 102(b) based on Konopka is respectfully deemed to be obviated. For at least the following reasons, the disclosure of Konopka does not anticipate Applicants' presently claimed invention.

Instant claim 14 defines an infusion device that includes the features of a base element, a septum housing, and a septum pierceable by a needle. The base element includes "an opening for receiving said fluid, a cannula through which said fluid is transferred to a patient, and a recess." The recess includes "an inlet for receiving said fluid from said fluid opening, a fluid transfer volume formed in said recess, an outlet communicating with said cannula, and an opening for receiving said septum housing." The septum is accommodated in and fixed inside the septum housing, and the septum housing is accommodated in and fixed inside the recess of the base element.

Konopka's injection set is structurally different from Applicants' presently claimed device. Konopka simply fails to teach each of the above-identified features of Applicants' presently claimed invention. See, e.g., Konopka's Figure 2. Konopka discloses that "[f]or the embodiment shown in FIG. 2, a first septum layer 52 and a second septum layer 54 cover or enclose the top of the fluid chamber 50" and that "[a] cap 56, suitably bonded to the top portion of the central hub 48, securely holds the septum layers 52, 54 in their desired location" (column 6, lines 25-30) (emphasis added).

That is not Applicants' claimed invention. Applicants' claimed device includes, *inter alia*, the recess in the base element, the septum, and the septum housing. See, e.g., the embodiment of the invention depicted in Applicants' drawing Figure

2. The septum 4 is accommodated in and fixed inside the septum housing 3, and the septum housing 3 is accommodated in and fixed inside the recess 20 of the base element 1. The examiner equates Konopka's cap 56 (Figure 7A) to Applicants' claimed septum housing (Office Action page 3). But, Konopka has no septum housing as defined by Applicants' claim 14. Konopka's cap 56 is "*bonded to the top portion of the central hub 48.*" However, according to Applicants' claimed invention, the septum is accommodated in and fixed inside the septum housing, and *the septum housing is accommodated in and fixed inside the recess of the base element.*

Furthermore, one advantage of the embodiment of the invention as defined by instant claim 14 is that it is possible to attach the septum 4 to the septum housing 3, and then attach the septum housing 3 to the base element 1. This makes the manufacture of the device simpler and less expensive than that of conventional devices. That is, with Applicants' claimed device it is easier to squeeze the septum 4 into the septum housing 3 than to place the elastic septum or several layers of elastic septum between two different units (i.e., as taught by Konopka, between the cap 56 and the hub portion 48) and then to squeeze the septum into the correct position. With Konopka's device the number of defective units will be larger because the septum must be squeezed between two different units (i.e., between cap 56 and hub portion 48).

Since Konopka does not meet each feature of the claimed invention, Konopka does not anticipate the invention defined by

Applicants' instant claim 14. Claims 15-28, 30, and 31 are allowable because they depend, either directly or indirectly, from claim 14, and for the subject matter recited therein.

35 U.S.C. § 103(a) – Konopka

Claim 29 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Konopka.

The rejection of claim 29 under § 103(a) based on Konopka is also respectfully deemed to be obviated. Claim 29 depends from claim 14. Claim 14 is allowable over Konopka for at least the reasons outlined above in response to the rejection under § 102(b). Claim 29 is allowable because it depends from claim 14, and for the subject matter recited therein, i.e., that "said septum is premountable in said septum housing." This feature too makes the manufacture of the claimed device simpler and less expensive than that of conventional devices.

Furthermore, there is simply no teaching in Konopka that would have led one to modify the reference in a way that would produce the invention defined by Applicants' claim 29.

In view of the foregoing, this application is now in condition for allowance. If the examiner believes that an

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interview might expedite prosecution, the examiner is invited to contact the undersigned.

Respectfully submitted,

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